

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

## **SCHEDULING ORDER**

**AND NOW**, this 6th day of September, 2024, it is **ORDERED** as follows:

1. A trial for the above-captioned case shall be held on **February 4, 2025, at 9:30 a.m.** in Courtroom 14A, United States District Court, 601 Market Street, Philadelphia, PA 19106.
2. A final pretrial conference is scheduled for **January 29, 2025, at 11:00 a.m.** in Room 14614, United States District Court, 601 Market Street, Philadelphia, PA 19106. Lead Trial Counsel must attend. It is the responsibility of any trial counsel who cannot attend to contact the court as soon as any conflict becomes known so the court may consider rescheduling the conference. Unless the court has otherwise granted permission, whoever attends the final pretrial conference will try the case. In addition to each trial counsel, each plaintiff and defendant or, in the case of a corporate Party, a representative with full authority to settle the case shall attend. Telephone availability is not acceptable unless leave of court has been granted. Failure to comply with this order may result in sanctions in accordance with the Federal Rules of Civil Procedure.

As outlined below, all motions *in limine*, evidentiary motions, stipulations of facts, all depositions that will be introduced as testimony, and any and all other legal disputes that the Parties are aware of shall be due before the final pretrial conference so that they may be resolved before trial begins.

3. The Parties shall propound all interrogatories and requests for document production no later than **September 19, 2024**. The Parties shall respond to all written discovery requests no later than **October 3, 2024**. THESE RESPONSES SHALL INCLUDE ALL INITIAL

DISCLOSURES CONTEMPLATED BY RULE 26(a)(1). All discovery shall proceed and continue in such manner as will assure that all requests for, and responses to, discovery will be noticed, served, and completed no later than **November 4, 2024**.

4. This matter is referred to United States Magistrate Judge Mary Kay Costello for a settlement conference on or about **November 12, 2024**. PLAINTIFF'S COUNSEL SHALL CONTACT DEFENDANT'S COUNSEL, AND THEN THE PARTIES SHALL JOINTLY CONTACT JUDGE COSTELLO's CHAMBERS TO ARRANGE THIS CONFERENCE. If the Parties believe that a settlement conference would be helpful at an earlier time, they are directed to contact Judge Costello to schedule the same. Judge Costello will require that lead counsel and Parties with full settlement authority attend the conference.
5. Any summary judgment motion or other dispositive motion, together with supporting brief, shall be filed on or before **November 18, 2024**. Responses shall be filed on or before **December 2, 2024**.
6. Plaintiffs shall propose stipulated facts and submit those proposed stipulated facts to Defendant on or before **January 2, 2025**. Defendant shall state agreement or disagreement with each of Plaintiff's proposed stipulated facts and may counter-propose stipulated facts on or before **January 7, 2025**. Plaintiff is obligated to respond on or before **January 10, 2025**.
7. In accordance with Fed. R. Civ. P. 26(a)(3), listed exhibits shall be numbered and pre-marked for use at trial; no exhibit shall be listed unless it is already in the possession of opposing counsel. Only specifically listed exhibits may be used in the Party's case-in-chief except by leave of court.
8. Counsel for each Party shall serve upon counsel for the other Party on or before **January 10, 2025**:
  - a. a copy of each exhibit they expect to offer at trial in furtherance of their respective contentions. Each exhibit shall be marked as it will be marked for trial;

- b. curriculum vitae for each expert witness expected to testify; and
- c. a specific identification of each discovery item expected to be offered into evidence.

9. Counsel shall also provide the Court with one copy of all of these items, on three-hole punched paper, on or before **January 10, 2025**.

10. As to documents listed in accordance with Fed. R. Evid. 803(6), as amended, notice in accordance with Fed. R. Evid. 902 (11) or (12) must be given on or before **January 10, 2025**.

11. All witnesses as to liability and damages should be listed. Only listed witnesses may testify at trial except by leave of court. Any Party who intends to use deposition testimony at trial must submit deposition designations by **January 2, 2025**. Counter-designations shall be submitted by **January 7, 2025**. Objections to the designations shall be submitted on or before **January 10, 2025**.

12. Any other pretrial or trial matter requiring attention of the judge prior to trial, shall be specifically addressed in the final pretrial conference.

13. All Parties shall prepare and file with the Clerk of the Court their pretrial memoranda as by **January 16, 2025**.

14. All motions *in limine* shall be filed on or before **January 16, 2025**. Responses thereto are due on or before **January 23, 2025**.

15. On or before **January 16, 2025**, after meeting and conferring, the Parties shall jointly submit proposed jury *voir dire* questions, jury interrogatories, verdict sheets, and proposed jury instructions on three-hole punched paper. The Parties shall individually submit any proposed questions, interrogatories, sheets, or instructions upon which the Parties after conferring cannot agree. All questions, interrogatories, sheets, and instructions shall be submitted in paper form and on computer disk to the Court.

16. On or before **January 23, 2025**, the relevant Party shall submit to the Court one additional copy of the following:

- a. Answer;
- b. Complaint;
- c. Pretrial Memorandum;
- d. Stipulated Facts;
- e. Proposed Jury *Voir Dire* Questions;
- f. Proposed Jury Interrogatories;
- g. Proposed Jury Instructions; and
- h. Proposed Verdict Sheet.

17. The Parties shall also provide the Court with an electronic copy of the above documents in Word format.

**IT IS SO ORDERED.**

/s/ Paul S. Diamond

**Paul S. Diamond, J.**

September 6, 2024